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E.O. 12958: DECL: 08/10/2011  
TAGS: [PREL](#) [MARR](#) [BE](#) [IS](#)  
SUBJECT: ISRAELIS HOPE EARLY PROTEST WILL QUASH THREATENED  
LAWSUIT UNDER UNIVERSAL COMPETENCE LAW

REF: A. ANDREWS-REITER EMAIL

[1](#)B. 11 AUGUST 06

Classified By: Charge d'Affaires, a.i., Will Imbrie, Reasons 1.3 (b) and (d)

[1](#)1. (C) Summary: A Belgian/Lebanese medical doctor has denied press reports he intended to file suit under the controversial universal competence law against Israeli leaders for the near destruction of his property in Lebanon. The Israeli embassy fears the doctor eventually may go ahead with a suit and that the federal prosecutor might be willing to permit such an action to go forward. The Israelis here have recommended delivery of a strong protest to the Belgians from senior levels of the Israeli government as soon as possible. Embassy contacts with the prosecutors and MFA highlighted the federal government's ability to block prosecution. End summary.

[1](#)2. (U) Ali Abdulsater, a Belgian physician of Lebanese origin, has denied press reports that he intends to file suit against Israel's political and military leadership under Belgium's "Universal Competence" law. According to the press, the doctor's property in Lebanon suffered extensive damage during an air raid and he allegedly contemplated taking legal action as a result. In response to Abdulsater's denial, the newspaper responsible for the original report said it possessed a document proving the contrary and that additional lawsuits might be filed soon.

[1](#)3. (U) As amended in April 2006, the Universal Competence legislation provides a legal vehicle for Belgians, long-term legal residents, and refugees to seek damages resulting from serious violations of international humanitarian law. Complainants also gained the right to appeal decisions by the federal prosecutor not to pursue a complaint.

[1](#)4. A decision by the Federal Prosecutor to proceed would have to rest on one or more factors, including, but not limited to:

- the immunity of the person against whom the complaint was made;
- the absence of a clear factual basis;
- the complaint's failure to meet the law's definition of a serious violation of humanitarian law; or
- the absence of an agreement between Belgium and the country of the accused that made clear that this nation was also a democratic state governed by the rule of law.

[1](#)4. (C) Contacts at the Federal Prosecutor's Office and the

Israeli embassy told us that no legal action had been initiated as of August 11. The Israelis believe nonetheless that Abdulsater may proceed with his complaint, possibly after the August holidays. According to the Israeli DCM (protect), this fear rested on information the Israeli embassy's attorney reportedly received informally from Abdulsater's lawyer.

¶5. (C) The Israelis suspect the federal prosecutors might be prepared to let a court case go forward for unspecified reasons. (This information again came from their lawyer.) To limit the possibility that the suit might reach the courts, the Israeli embassy had recommended the issuance of a strongly worded, high level protest from the Israeli MFA directly to the Belgian embassy in Israel. By "using the cannons" first, the Israelis hope the Belgians will be interested in avoiding the foreign policy headaches that the Universal Competence law caused them a few years ago. The Israeli government had taken no action on this request by August 11.

¶6. (C) In informal discussions, the Belgian Prime Minister's office and the MFA have described the government's ability to block prosecution on a variety of grounds, including the possibility of damage to Belgian's diplomatic relations. (Comment: based on the otherwise woolly language about agreements between Belgium and other democratic states. End Comment). The Prime Minister's Security Adviser and officials in the Foreign Minister's private office told us of their determination to fulfill promises to block frivolous or politically-motivated prosecutions. Imbrie

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